

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

QUENTON SHELBY,

Plaintiff,

v.

Case No. 17-cv-00224-W-DGK

OAK RIVER INSURANCE COMPANY,

Defendant.

**JOINT REPORT OF THE PARTIES AND PROPOSED DISCOVERY PLAN AND
SCHEDULING ORDER**

Pursuant to Rule 26(f), Local Rule 16.1, Local Rule 26.1, and the Court's May 4, 2017 Order (Doc. 9), an initial conference was conducted between Plaintiff's counsel and Defendant's counsel on May 19, 2017. The parties submit following Proposed Discovery Plan and Scheduling Order:

1. Mediation. The parties previously conducted one session of mediation with Judge Jay Daugherty. The parties agree to continue to conduct another session of mediation with Judge Daugherty pursuant to the Court's Mediation and Assessment Program (MAP). The parties request leave for the mediation session to occur within sixty days following the Court's Order on Plaintiff's Motion to Remand.
2. Trial to the Court. The case is to be tried to the Court.
3. Initial Disclosures / Prior Discovery. The parties agree that initial Rule 26 Disclosures shall be exchanged by June 16, 2017. (The brief fourteen-day extension is necessary due to previously scheduled vacations by counsel for both Plaintiff and Defendant as well as the Memorial Day holiday.) The parties have also completed initial written discovery in the form of interrogatories, requests for production, and requests for admissions.

4. Discovery Subjects. The parties anticipate discovery on all matters relevant to the claims and defenses in this case, including, but not limited to, liability and damages. The discovery cut-off is set forth below. The parties do not believe that phases of discovery are necessary.
5. ESI. The parties agree that provisions regarding electronically stored information are unnecessary.
6. Privilege Issues / Protective Orders. The parties agree that any particular provisions regarding claims of privilege or of protection as trial-preparation material after production are unnecessary at this juncture. The parties also agree that they do not anticipate requesting a protective order at this juncture.
7. Changes to Discovery Limitations. The parties do not anticipate any changes in the limitations on discovery under the Federal Rules or Local Rules. The parties believe that the presumptive limits of ten (10) depositions per side and twenty-five (25) interrogatories per party are appropriate
8. Other Orders. The parties do not anticipate any other orders the Court should issue under Rule 26(c) or under Rule 16(b) and (c).
9. Dates for Joinder of Additional Parties or Amendments of the Pleadings. The deadline for the joinder of additional parties and for amendment to the pleadings is August 1, 2017.
10. Discovery Deadline. The parties agree that discovery shall be completed by October 15, 2017. The date is before the presumptive 180 day window for discovery under Local Rule 26.1(c)(2).

11. Expert Witnesses. The plaintiff shall designate any expert witnesses it intends to call at trial on or before August 15, 2017, and the defendant shall designate any expert witnesses it intends to call at trial on or before September 15, 2015.
12. The parties agree that dispositive motions and *Daubert* motions shall be filed by December 15, 2017.
13. The parties agree that the earliest date by which the case should be ready for trial is May 15, 2018.
14. The parties agree the estimate length of time expected to try the case to verdict is 3 days.

Dated this 19th day of June, 2017.

Respectfully submitted,

s/ Martin L. Daesch
Martin L. Daesch MO #40494
Jesse B. Rochman MO #60712
KUTAK ROCK LLP
110 E. Lockwood Ave.
St. Louis, MO 63119
(314) 963-9000 (Telephone)
(314) 963-1700 (Facsimile)
daesch@onderlaw.com
rochman@onderlaw.com
ATTORNEYS FOR PLAINTIFF

And

s/ M. Courtney Koger
M. Courtney Koger MO #42343
Kevin D. Brooks MO #57627
KUTAK ROCK LLP
Two Pershing Square
2300 Main Street, Suite 800
Kansas City, MO 64106
(816) 960-0090 (Telephone)
(816) 960-0041 (Facsimile)
Courtney.Koger@kutakrock.com
Kevin.Brooks@kutakrock.com
ATTORNEYS FOR DEFENDANT
OAK RIVER INSURANCE
COMPANY